

Application No.: 10/698275  
Docket No.: AD6859USCIP

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### REMARKS

In the claims claim 1 has been amended to recite the oligomers have a degree of polymerization of 1 to 20. Basis for this is original claim 6, which has been canceled as superfluous.

Claims 1-3 and 6-10 have been rejected under 35 U.S.C. 102(b) as anticipated by Berkane et al. As the Examiner states this reference describes the preparation of cyclic ester from diols and diesters using enzymatic catalysis. The diester can generally be said to have the formula  $R^1O_2CR^2CO_2R^1$  and the diol the formula  $HOR^3OH$  wherein  $R^1$  is alkyl,  $R^2$  is alkylene and  $R^3$  is alkylene. See for instance p. 7730, Scheme 1, and p. 7730, left hand column "Materials".

On the contrary, the present claims require that the starting material be a "linear ester oligomer". As defined in the present application a linear ester oligomer is a molecule which contains a repeat group derived from at least one molecule of a dicarboxylic acid and one molecule of a diol (see p. 4, lines 16-21 and p. 3, lines 17-21). This could have the formula  $R^6O_2CR^4CO_2R^5OH$  wherein  $R^4$  and  $R^5$  are both independently hydrocarbylene (alkylene for instance) and  $R^6$  is hydrogen or hydrocarbyl. This is clearly a different starting material than is used in Berkane.

Berkane also uses polymers, apparently higher molecular weight polymer as starting materials also, see p. 7730, right hand column. However as now amended, Applicant's claims make clear the oligomers they are (claiming) have a degree of polymerization of 1-20. Thus Berkane does not anticipate these claims.

Claims 1-11 have been rejected under 35 U.S.C. 102(b) as being anticipated by Lavalette et al. and Mezoul et al. The situation here is similar to that described above for Berkane. Lavalette uses the same type of starting materials as Berkane, see for instance the first page, Experimental Section, "Materials" and "Synthesis of ...", and second page, "Results and Discussion" "Enzyme -Catalyzed ....". In Mezoul see under "Experimental Part" "materials" and "polyester syntheses and fractionation". All of these sections clearly indicate the same types of starting materials as used in Berkane.

As noted above, the starting materials mentioned by the Applicants are different, so there is no anticipation by either Lavalette or Mezoul.